

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2020-258-T - ORDER NO. 2021-5
JANUARY 29, 2021

IN RE: Application of Dowdy Five Star Moving & Storage, Inc. to Amend Tariff) ORDER APPROVING
AMENDED TARIFF

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Application of Dowdy Five Star Moving & Storage, Inc. (“Dowdy Five Star,” “Applicant” or “Company”) to amend the Company’s current tariff. By its Application, the Company seeks approval of an increase to hourly rates and to certain other charges contained in the Company’s tariff.

Dowdy Five Star presently holds a Class E HHG (“Household Goods”) Certificate of Public Convenience and Necessity (Certificate No. 9714-B) to transport household goods in South Carolina pursuant to the authority granted by this Commission.¹ Dowdy Five Star has an approved tariff on file with the Commission. The current hourly rates of Dowdy Five Star and the proposed hourly rates in its Amended Tariff filed on December 11, 2020, are as follows:

Description of Rate	Current Rate	Proposed Rate
• Moving Services Days Charges		
Two Movers and a Van	\$ 84/hour	\$110/hour
Three Movers and a Van	\$110/hour	\$140/hour
Four Movers and a Van	\$136/hour	\$170/hour
Each Additional Mover	\$26/hour	\$30/hour

¹ See Order No. 2001-772 (Docket No. 2001-80-T); Order No. 2005-418 (Docket 2005-142-T); and Order No. 2008-620 (Docket No. 2008-151-T).

Among other things, Dowdy Five also proposes to increase the charges for labor/packing by \$1.00 per container.

By letter dated October 30, 2020, the Clerk's Office of the Commission instructed Dowdy Five Star to publish, one time, a Notice of Filing (the "Notice") in newspapers of general circulation. The Notice provided information regarding the nature of the proceeding and advised any person wishing to participate as a party of record to file a Petition to Intervene on or before December 7, 2020. The Company was required to publish the Notice on or before November 16, 2020, and provide proof of publication no later than December 7, 2020. The Company filed its Affidavit of Publication on November 19, 2020. No person or party intervened nor were any objections received by the Commission.

The ORS, a party of record pursuant to S.C. Code Ann. § 58-4-10(B) (Supp. 2019), completed a review of the proposed tariff and filed its Impact Study with the Commission on December 14, 2020. ORS's Impact Study revealed that Dowdy Five Star was in compliance with the Commission's rules and regulations at its compliance review on December 4, 2020. Furthermore, ORS advises that Dowdy Five Star is currently in compliance with all filing and reporting requirements, and no consumer complaints have been filed against the Company within the past twelve months.

Lastly, from the comparison report completed by ORS of the tariff modifications proposed by Dowdy Five Star to the South Carolina Tariff Bureau's ("SCTB") rates, it appears that some of the rates are above the SCTB rates while others are below, where a comparison rate is available.

The Commission is authorized to fix or approve just and reasonable motor vehicle carrier rates. S.C. Code Ann. § 58-23-1010 (2015) and S.C. Code Ann. Regs. 103-192 (2012). A motor

vehicle carrier cannot begin operations until the Commission approves its rates, fares, and charges or any changes to its rates, fares, and charges. S.C. Code Ann. Regs. 103-130 (2012).

In addition to regulating just and reasonable rates, the Commission also prohibits rate discrimination. Undue preference is not permitted. S.C. Code Ann. Regs. 103-197 (2012). No motor carrier can give unreasonable preference, unjust discrimination, or undue or unreasonable prejudice or disadvantage to any "person, port, gateway, locality, or description of traffic." *Id.*

Similarly, motor carriers are prohibited from charging more or less than the rates specified in lawful tariffs, schedules, or by specific order of the Commission. S.C. Code Ann. Regs. 103-198 (2012). This principle is generally known as the filed-rate doctrine. Under this doctrine, a regulated entity is prohibited from charging rates for its services other than those properly filed with the appropriate regulatory authority. 64 Am. Jur. 2d *Public Utilities* § 62 (August 2020).²

The filed rate doctrine specifies that a filed tariff has the effect of law governing the relationship between the [regulated entity] and its customers, operates across the spectrum of regulated [entities], and applies where state law creates a state agency and a statutory scheme pursuant to which the state agency determines reasonable rates. The doctrine thereby ensures that the governing regulatory body determines the reasonableness of the utility's rates and prevents discrimination in prices among customers receiving the same service.

Id. "The filed-rate doctrine serves to provide predictability and certainty to enable [...] customers to make decisions according to the rates as approved and the cost of what they are receiving." *Id.* It recognizes that the regulated entity has the freedom to set fair rates but serves to prevent customer discrimination. *Id.*

² See also 5 S.C. Jur. *Carriers* § 15 (September 2020).

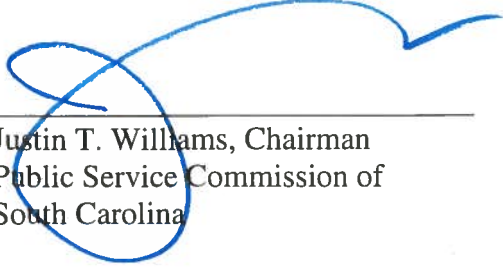
In the present case, Dowdy Five Star seeks approval to increase certain rates and charges contained in the Company's current tariff. The proposed increase in hourly rates shows rates within the range of rates of the South Carolina Tariff Bureau, with some proposed charges being lower and some higher. The rates are not discriminatory, and we find the tariff changes to be reasonable. The Company is in compliance with all applicable Commission rules and regulations and has had no complaints lodged against it. Further, no opposition to the approval of the tariff has been received. The changes proposed by Dowdy Five Star should be approved by this Commission as filed.

IT IS THEREFORE ORDERED:

1. The Application of Dowdy Five Star Moving & Storage, Inc. to amend its Tariff is granted. A copy of the approved Amended Tariff is attached as Order Exhibit No. 1.
2. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:




Justin T. Williams, Chairman
Public Service Commission of
South Carolina

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Regulations and Schedule of Charges Applicable to Intrastate Household goods moved within the State of South Carolina

Applicability of Tariff

This tariff describes the rates and fees applicable to the intrastate household goods moved by Five Star Moving in the State of South Carolina.

Hourly Rates

The Move will be charged on a quarter hour basis with a two-hour minimum charge. Charges will begin when the truck leaves Dowdy Five Star Moving & Storage, Inc. and will end when the truck has been unloaded and returns to Dowdy Five Star Moving & Storage, Inc. The time will then be rounded up or down to the nearest quarter hour.

Moving Services Days Charges

Two Movers and a Van	Monday-Saturday \$110/hr.
Three Movers and a Van	Monday-Saturday \$140/hr.
Four Movers and a Van	Monday-Saturday \$170/hr.

Additional Mover

Each additional Mover will cost \$30/hr. extra

Labor/Packing Per Container

Dishpack	\$40.00
1.5 Carton	\$10.00
3.1 Carton	\$15.00

4.5 Carton	\$17.00
6.1 Carton	\$20.00
Large Crate/Mirror	\$29.00
Wardrobe	\$21.00
Jiffy Pad (Brown Paper)	\$36.00
Tissue (Bundle)	\$37.00

Downtime

Downtime due to customer will be charged at the standard hourly rate. Customer will not be charged for downtime due to the result of Five Star Moving.

Minimum Charges

A two-hour minimum charge will be applied to all moves under two hours. After two hours customers will be charged by rounding to the nearest quarter hour after the move is complete.

Heavy/Bulky Item Fees

Five Star Moving does not charge additional fees for Heavy/Bulky Items. However, there might be some heavy/bulky items that Five Star Moving would not move.

Claims

A. All claims for damages, overcharges, or loss must be made within 90 days of the move. Five Star Moving will supply a claims form that will need to be filled out by Mover. Along with Claims form, claims may be written and attached to the bill of lading or emailed to dowdyfivestarmoving@gmail.com. All claims made after 90 days will be null and void.

B. Five Star Moving reserves the right to inspect any damaged items.

C. Five Star Moving reserves the right to repair the damage in question. If repair is not possible, Five Star Moving will compensate for the damage on the rate of .60 per lb. per item.

D. Five Star Moving does not assume liability for any item of an extremely valuable nature. Five Star Moving will not accept responsibility for any item of actual or intrinsic value that comes into our possession with or without our knowledge.

Delays

Five Star Moving cannot be responsible for any delays in the transportation of goods due to acts of God or unseen forces